

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG

AJAI SANDHIR,

Plaintiff,

CIVIL ACTION NO. 1:17-CV-102
(JUDGE KLEECH)

LOUIS LITTLE, Individually
and Collectively;
SANJAY BHARTI, MD PLLC,
Individually and Collectively;
SANJAY BHARTI, Individually
and Collectively;
JEREMY LAREW, Individually
and Collectively; and
GINGER DEARTH,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT & RECOMMENDATION [ECF NO.
142] AND DISMISSING CASE WITH PREJUDICE

Pending before the Court is a Report and Recommendation ("R&R") by United States Magistrate Judge Michael J. Aloï ("Judge Aloï") [ECF No. 142]. For the reasons stated below, the Court hereby **ADOPTS** the R&R.

I. BACKGROUND

On May 19, 2017, Plaintiff Ajai Sandhir ("Sandhir") filed a *pro se* complaint against Louis Little; Sanjay Bharti, MD, PLLC; Sanjay Bharti; Jeremy Larew; and Ginger Dearth (collectively, "the defendants") [ECF No. 1]. In the complaint, Sandhir alleges two counts of tortious interference with a business relationship, one count of aiding and abetting, and one count of civil conspiracy to injury another in trade, business, or profession. He filed an amended complaint on March 28, 2018, in which he re-incorporated the paragraphs from the original complaint and added a defamation claim [ECF No. 49].

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This case was transferred to the Northern District of West Virginia on June 9, 2017 [ECF No. 4]. Pursuant to 28 U.S.C. § 636 and this Court's local rules, the Court referred the action to Judge Aloï for initial review [ECF No. 7]. The case was reassigned to United States District Judge Thomas S. Kleeh from United States District Judge Irene M. Keeley on December 1, 2018 [ECF No. 131].

On January 23, 2019, Judge Aloï issued an R&R [ECF No. 142] and made the following recommendations regarding a number of pending motions:

- That this Court grant the pending motion to dismiss filed by Defendants Sanjay Bharti, MD, PLLC, Sanjay Bharti, and Jeremy Larew [ECF No. 63];
- that this Court grant the pending motion to dismiss filed by Defendants Ginger Dearth and Louis Little [ECF No. 65];
- that this Court deny as moot Sandhir's motion to strike the defendants' expert witness [ECF No. 127];
- that this Court deny as moot the objections by Defendants Sanjay Bharti, MD, PLLC, Sanjay Bharti, and Jeremy Larew to Sandhir's subpoena issued to Monongalia County General Hospital [ECF No. 135]; and
- that this Court dismiss with prejudice and strike from the docket the amended complaint [ECF No. 49].

Also pending before the Court, but filed after the R&R, are a motion to compel filed by Sandhir [ECF No. 143], the Bharti Defendants' objections to Sandhir's subpoena to West Virginia Rehabilitation Hospital, Inc. [ECF No. 145], and a non-party motion to quash Sandhir's subpoena [ECF No. 146].

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II. STANDARD OF REVIEW

When reviewing a magistrate judge's R&R, the Court must review *de novo* only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations to which the [parties do] not object." Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). Here, the R&R expressly stated that parties had 14 days to object to it after receiving it [ECF No. 142 at 28]. Sandhir received the R&R on January 28, 2019 [ECF No. 147]. To date, no objections have been filed. Accordingly, the Court reviewed the R&R for clear error.

III. CONCLUSION

Upon careful review of the above, and finding no clear error, the Court **ADOPTS** Judge Alois's R&R [ECF NO. 142] for reasons more fully stated therein. Therefore, the Court **ORDERS** the following:

- (1) The motion to dismiss filed by Defendants Sanjay Bharti, MD, PLLC, Sanjay Bharti, and Jeremy Larew [ECF No. 63] is **GRANTED**;
- (2) the motion to dismiss filed by Defendants Louis Little and Ginger Dearth [ECF No. 65] is **GRANTED**;
- (3) Sandhir's motion to strike the defendants' expert witness [ECF No. 127] is **DENIED AS MOOT**;
- (4) the objections by Defendants Sanjay Bharti, MD, PLLC, Sanjay Bharti, and Jeremy Larew to

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Sandhir's subpoena issued to Monongalia County General Hospital [ECF No. 135] are **DENIED AS MOOT**;

- (5) the motion to compel filed by Sandhir [ECF No. 143] is **DENIED AS MOOT**;
- (6) the Bharti Defendants' objections to Sandhir's subpoena to West Virginia Rehabilitation Hospital, Inc. [ECF No. 145] are **DENIED AS MOOT**;
- (7) the non-party motion to quash Sandhir's subpoena [ECF No. 146] is **DENIED AS MOOT**; and
- (8) this civil action is **DISMISSED WITH PREJUDICE** and **ORDERED** to be **STRICKEN** from the active docket of this Court.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record and the *pro se* plaintiff, certified mail and return receipt requested.

DATED: March 15, 2019

/s/ Thomas S. Kleeh
THOMAS S. KLEEH
UNITED STATES DISTRICT JUDGE